

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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RAFAEL CRUZ,

Plaintiff,

-against -

THE TOWN OF SOUTHAMPTON, ET AL.,  
Defendants.  
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**FEUERSTEIN, J.**

On September 3, 2008, the Court entered an Order dismissing this case for failure to prosecute and failure to comply with an earlier Order to Show Cause. (See doc. #8.) The next day, the Court received a letter application (dated August 22, 2008) from Plaintiff, *pro se*, requesting he be granted additional time to retain new counsel and that his case not be dismissed. (See doc. #9.) In the interest of justice and in this Court's discretion,

IT IS HEREBY ORDERED that the Court's September 3, 2008 Order dismissing Plaintiff's case is vacated and the case is reinstated;

IT IS FURTHER ORDERED that Plaintiff shall have until **Friday, October 10, 2008**, to retain new counsel and to personally show cause why his case should not be dismissed for failure to prosecute. See Federal Rule of Civil Procedure 41(b). **PLAINTIFF'S FAILURE TO RESPOND TO THIS ORDER SHALL BE DEEMED A BASIS TO DISMISS THIS ACTION.**

The Clerk of Court is directed to mail a copy of this Order to Plaintiff at:

P.O. Box Correo General  
La Plata, Puerto Rico 00786.

**SO ORDERED.**

/s/ Sandra J. Feuerstein\_\_\_\_\_  
Sandra J. Feuerstein  
United States District Judge

DATED: Central Islip, New York  
September 9, 2008